Court File No: CV-22-00088514-00CP

ONTARIO
SUPERIOR COURT OF JUSTICE

B E T W E E N:

ZEXI LI

Plaintiff

- and -

CHRIS BARBER, BENJAMIN DICHTER, TAMARA LICH, PAT KING and JOHN DOE 1, JOHN DOE 2, JOHN DOE 3, JOHN DOE 4, JOHN DOE 5, JOHN DOE 6, JOHN DOE 7, JOHN DOE 8, JOHN DOE 9, JOHN DOE 10, JOHN DOE 11, JOHN DOE 12, JOHN DOE 13, JOHN DOE 14, JOHN DOE 15, JOHN DOE 16, JOHN DOE 17, JOHN DOE 18, JOHN DOE 19, JOHN DOE 20, JOHN DOE 21, JOHN DOE 22, JOHN DOE 23, JOHN DOE 24, JOHN DOE 25, JOHN DOE 26, JOHN DOE 27, JOHN DOE 28, JOHN DOE 29, JOHN DOE 30, JOHN DOE 31, JOHN DOE 32, JOHN DOE 33, JOHN DOE 34, JOHN DOE 35, JOHN DOE 36, JOHN DOE 37, JOHN DOE 38, JOHN DOE 39, JOHN DOE 40, JOHN DOE 41, JOHN DOE 42, JOHN DOE 43, JOHN DOE 44, JOHN DOE 45, JOHN DOE 46, JOHN DOE 47, JOHN DOE 48, JOHN DOE 49, JOHN DOE 50, JOHN DOE 51, JOHN DOE 52, JOHN DOE 53, JOHN DOE 54, JOHN DOE 55, JOHN DOE 56, JOHN DOE 57, JOHN DOE 58, JOHN DOE 59 and JOHN DOE 60

Defendants

Proceeding under the *Class Proceedings Act, 1992*

AFFIDAVIT OF IVAN GEDZ

I, IVAN GEDZ, of the City of Ottawa, in the Province of Ontario, AFFIRM:

1. I am the majority owner of 7983794 Canada Inc., a company operating under the name Union: Local 613. The company has agreed to be named as a representative plaintiff in the present action on behalf of a new “Business Subclass” of businesses in downtown Ottawa that have been impacted by the “Freedom Convoy” occupation. As

such, I have personal knowledge of the matters to which I hereinafter depose except where I have stated my evidence to be on information and belief, in which case I have indicated the source of my information and my belief in the truth of the information.

2. Union: Local 613 is a restaurant located at 315 Somerset Street West in downtown Ottawa, within the area affected by the Freedom Convoy. The restaurant was established 10 years ago and can normally seat 120 customers in our lounge and dining area. We view ourselves as an engaged member of our community.

3. The impacts of the global COVID-19 pandemic, and the public health measures which have been implemented to address it, have been profound for many in the restaurant industry. Most recently, Union: Local 613 was closed from January 5, 2022, to January 31, 2022, to in-person diners in accordance with Provincial public health regulations.

4. On January 31, 2022, we re-opened the restaurant to in-person diners at 50% capacity, as permitted by law.

5. A few days earlier, the Freedom Convoy arrived in Ottawa on January 28, 2022. A large number of semi-trucks drove through our downtown area to start occupying the streets closest to Parliament Hill. I cannot personally confirm how many trucks there were but I have seen estimates in the media that it is around 400 trucks. I also live in downtown Ottawa and from my own observations I believe this estimate is accurate.

6. While Union: Local 613 has remained open to in-person diners since January 31, 2022, there has been a large drop in our expected customers. During the COVID-19 pandemic when we were able to open at 50% capacity, we were fully booked most nights. Our experience since January 31, 2022 has been very different.

7. I estimate that Union: Local 613's revenues since January 31, 2022, have decreased from between 25% and 50% from what we would have expected. Some nights were what we call "shut outs", meaning almost no customers came in. Union:

Local 613 would have considered closing completely, as we are in a net loss position most nights, and we are in net loss position since January 31, 2022. However, we don't want to lay off staff as we know they rely on their wages. As well, our staff are important to our success and we would risk losing them if we did not keep them on.

8. Since re-opening on January 31, 2022, I have observed that throughout the week the restaurant gets fully booked with weekend reservations, which would be normal based on our previous experience throughout the pandemic when the restaurant has been permitted to open. When the February 4-6 and February 11-13 weekends approached, however, and the disturbances from the Freedom Convoy continued to be unresolved, a substantial number of reservations made in the course of the week were cancelled.

9. There are a number of ways in which the presence of the Freedom Convoy has had a negative impact on Union: Local 613's business. The noise from the persistent honking of truck horns can be heard inside the restaurant as a constant din or hum. Diners looking for a peaceful dining experience are deterred from attending restaurants in the affected areas. I am informed my business partners, and I believe this to be true, that some customers who provided reasons for their cancellation expressly referred to the Freedom Convoy occupation.

10. At times, vehicles participating in the Freedom Convoy have paraded down Somerset Street West, passing by Union: Local 613 while honking their horns at extremely loud levels. This has created an unwelcoming atmosphere for prospective diners, both inside the restaurant and when they approach it.

11. The two parking lots most proximate to Union: Local 613 on the north and south sides of Somerset Street West between O'Connor Street and Bank Street have been fully occupied every evening by Freedom Convoy vehicles, making it impossible for diners to park their cars near the restaurant. It is obvious the trucks in the parking lots are associated with the Freedom Convoy because they have flags, signs and offensive slogans on their vehicles, including vulgar messages about the Prime

Minister. I have actually spoken to some of them and again there was no doubt that they were part of the Freedom Convoy.

12. The closest street where trucks are parked is Bank Street. Some days the trucks have been backed up on Bank Street as far as Somerset Street West, and even further south. That is quite close to our restaurant. The diesel exhaust from these hundreds of trucks idling in downtown Ottawa are all around downtown. At our location, we are approximately five to seven blocks away from where it starts getting really bad, with streets completely blocked all the time. The diesel exhaust is not as bad where we are located, except on the weekends when the number of trucks is larger. But one only has to walk a couple of blocks away from our restaurant to encounter the rotten smell of this pollution that otherwise pervades the downtown core. News stories suggest that air pollution in downtown Ottawa is at 14 times the normal level. See attached as **Exhibit "A"** to this affidavit is a CBC story dated February 10, 2022, "Protesters' idling trucks are making downtown Ottawa's air quality worse". https://www.cbc.ca/news/politics/ottawa-air-quality-truck-protests-worsening-1.6345839

13. While the diesel exhaust is not as bad at our restaurant location, the truck horns are definitely uncomfortable. During the first ten days of the Freedom Convoy occupation, the horns were incessant and distressing, even though we were five to seven blocks from the start of the blockades. I cannot imagine how people or businesses located closer to the Freedom Convoy occupation could function. The horns did stop for a few days following the injunction, but they are now blaring again at different times. The sound is disturbing to our staff and our customers.

14. More generally, the presence of so many trucks in the downtown core, including several blocked roads, has deterred prospective diners from surrounding communities from attending the area because it is difficult to get around by car. Consequently, very few diners have attended Union: Local 613 since its January 31, 2022 reopening who don't reside in the immediate neighbourhood. The general

atmosphere of chaos and lawlessness in the downtown core has people avoiding the area when they can.

15. I am the head of the Somerset Street Business Improvement Association ("BIA"), and as such I am in regular communications with the members of our BIA as well as the Ottawa Association of BIAs. I am hearing from the other BIAs that the Freedom Convoy has drastically affected the revenues of their businesses. I am aware that there are a large number of restaurants and other businesses that are closer to the heart of the Freedom Convoy occupation which have closed entirely. It is brutal for the restaurant industry, as we are still trying to survive the pandemic restrictions. Union: Local 613 is only open because of government assistance and we heavily in debt. This Freedom Convoy is hurting us.

16. There are several news stories about the number of local businesses that have experienced losses due to the Freedom Convoy occupation. For example, attached as **Exhibit "B"** is a story from CBC dated February 4, 2022, "Thousands in lost revenue, wages as protest hits one-week mark".
https://www.cbc.ca/news/canada/ottawa/downtown-businesses-lose-finance-convoy-protest-disruptions-1.6337845

17. Attached as **Exhibit "C"** is another more recent CBC story dated February 10, 2022, "Governments talk as Ottawa businesses plead for urgent help amid protest".
https://www.cbc.ca/news/canada/ottawa/business-help-government-1.6345059

18. Local businesses in downtown Ottawa are suffering huge losses every day that this Freedom Convoy occupation continues.

19. I make this affidavit in support of a motion by the Plaintiff to freeze assets in the hands of the Defendants and proposed Defendants.

AFFIRMED before me at the City of Vaughan, in the Province of Ontario, on February 16, 2022 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

)
)
)
)
)
)

Commissioner for Taking Affidavits
(or as may be)

MADISON ROBINS

IVAN GEDZ